

Court bars dumping at Kin-Buc II

NEW BRUNSWICK — A temporary restraining order was issued yesterday in the Chancery Division of Superior Court barring the disposal of any solid waste at a second Kin-Buc landfill in Edison.

Judge David D. Furman set a show cause hearing for Dec. 22 in a complaint against the Meadow Road landfill by the N.J. Department of Environmental Protection (DEP).

The state is asking for a permanent ban of dumping at the Kin-Buc II site, fines of \$1,000 a day for each day the site is used,

and ordering the removal of all waste material deposited there as well as purging of the soil and groundwaters of any pollution arising from the allegedly illegal disposal of waste.

An accompanying affidavit from Brian J. McNally, a DEP inspector, indicated that he toured the landfill on Monday at the request of Edison health officials.

"I quickly observed the complaints were accurate and that disposal operations indeed were taking place in the new portion of the Kin-Buc property, rather than the

existing site," McNally said.

He added that he observed all trucks entering the landfill directed to Kin-Buc II. He estimated that about 150 loads are dumped at the landfill daily, comprising an estimated 1,200 tons.

Kin-Buc is presently under state order to close the existing landfill by Jan. 15. That site is known as Kin-Buc I.

Adjacent are two sites designated as Kin-Buc II, a proposed solid waste landfill, and Kin-Buc III, a chemical treatment facility. The DEP has granted conditional

approval for operation of the two sites, contingent upon multiple conditions.

These include specific technical revisions, submission of additional data sought by the state, and preparation of an environmental impact statement. A public hearing is also required. The DEP had agreed to conduct a review of the plans once those criteria were met.

According to the complaint, none of the terms of conditional approval have been met, nor has site preparation work been completed.

In a recent closure agreement for Kin-Buc I between the DEP and the landfill owners, Kin-Buc's attorney, Theodore Schwartz, agreed to the closing but argued the company should be permitted to open a new solid waste landfill (Kin-Buc II) on adjacent land.

Edison Mayor Thomas Paterniti and Township Attorney Roland Winter both said that Monday's dumping was going on in an industrial zoned area.

"Our total landfill zone is in the meadowlands," whereas the dumping, Winter said, was "unequivocally and clearly" in land zoned for industrial use.

According to the attorney, personnel at the township-owned landfill, also located in the Raritan River-Meadow Road area, became aware of what he calls the "illegal dumping." They contacted the local Public Works Department which in turn alerted local health officials, the DEP and officials of the county Solid Waste Management program.

Paterniti said he told Winter to follow this most recent incident through the proper legal channels.

Kin-Buc officials could not be reached for comment last night.